

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SJ D.C.
05 AUG 12 AM 11:58
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

RBP, LLC,

Plaintiff,

v.

GENUINE PARTS COMPANY AND
INDIANA INSURANCE COMPANY,

Defendants.

Civil Action File No.: 1:04-1154
T/AN
Jury Demanded

GENUINE PARTS COMPANY,

Third-Party Plaintiff,

v.

ALLIANZ GLOBAL RISKS U.S.
INSURANCE COMPANY and
LEXINGTON INSURANCE COMPANY,

Third-Party Defendants.

REVISED RULE 16 (b) SCHEDULING ORDER

A Motion to Modify the Rule 16(b) Scheduling Order to Extend the Time for Discovery on behalf of Third-Party Defendant, Allianz Global Risks U.S. Insurance Company, being before this Court, and the Court being fully advised of the basis of and support of this Motion, it is hereby ORDERED that the following dates are revised and established as the final dates for:

INITIAL DISCLOSURES (RULE 25(a)(1)): March 18, 2005

JOINING PARTIES:

for Plaintiff: April 4, 2005
for Defendant: May 4, 2005

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For Third-Party Def.: June 4, 2005

AMENDING PLEADINGS:

for Plaintiff: April 4, 2005

for Defendant: May 4, 2005

For Third-Party Def.: June 4, 2005

COMPLETING ALL DISCOVERY: By November 23, 2005

(a) **REQUESTS FOR PRODUCTION INTERROGATORIES and REQUESTS FOR ADMISSIONS:**

November 23, 2005

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

(i) Plaintiff's Experts: September 23, 2005

(ii) Defendant's and Third-Party Defendants' Experts: October 24, 2005

(iii) Supplementation under Rule 26(e): 10 days after Defendant and Third party defendants' disclosure

(c) **DEPOSITIONS OF EXPERTS:** November 23, 2005

FILING DISPOSITIVE MOTIONS: December 23, 2005

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

(a) for Plaintiff: February 10, 2006

(b) for Defendant/3d Party
Defendant: February 24, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last five days and is **SET** for **JURY TRIAL** on March 27, 2006 at **9:30 A.M.**. A joint pretrial order is due on March 17, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Request for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.


The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

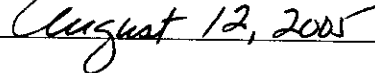
The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 



Notice of Distribution

This notice confirms a copy of the document docketed as number 127 in case 1:04-CV-01154 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

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Honorable James Todd
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